

Notice of Allowability

Application No.

09/995,649

Applicant(s)

HIIPAKKA, JARMO

Examiner

Art Unit

Raymond J. Bayerl

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 8 August 2005.
2. ☒ The allowed claim(s) is/are 1, 3 - 16, 18 - 32, 34 - 40, 42 - 45, 48.
3. ☒ The drawings filed on 29 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

17 August 2005

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1. The following is an examiner's statement of reasons for allowance:

With the filing of applicant's RCE request and response as of 8 August 2005, the Examiner has had the time to reconsider the claims, as amended, with reference to the prior art now of record. As to independent claims 1, 16, 18, 19, 34, 42, 48, which refer generally to the priority ordering of icons in an auditory/visual display, on the basis of correspondence to a defined context that is applied across a plurality of instances, the Examiner deems that each independent claim sufficiently defines as not being taught nor suggested by the prior art of record. Specifically overcome is the previously-outstanding rejection, which to meet the amended claims would consist of the combination under 35 USC 103 of Leonowich (US #6,195,004 B1), Hirohama (US #5,797,125) and Hilpert, Jr. et al. (US #6,404,442 B1).

1.a. Independent claim 1

In providing "an audio user interface for a mobile terminal", this claim recites "receiving a plurality of messages", "prioritizing the plurality of messages to identify at least one message based on at least one context value" and output of "presenting the auditory icon" and "the visual icon corresponding to the identified message".

Leonowich, while selectively presenting an EARCON on the basis of whether a threshold for presentation is met, does not in fact apply a "prioritizing" operation to "a plurality of messages"—each message is handled, one at a time. Hirohama might select from possible messages in an environment on the basis of context, but this again is not "prioritizing", where a relative ordering of items occurs on the basis of that "context". Hilpert, Jr. et al. was merely relied upon to show the joint presentation of

audio and visual items in an interactive environment, but does not remedy the lack of “prioritizing” according to “context”.

Also of note at this consideration was the previously-cited Isaacs et al. (US #6,760,754 B1), which teaches that both sound and visual indications of an incoming message can be restricted as to their presentation, when the user decides whether or not to allow messages from a particular user (see col 9, lines 32 – 44). However, this does not reasonably teach or suggest “prioritizing the plurality of messages”, since the acceptance/rejection of an incoming message in Isaacs et al. does not order the messages relative to “context”.

1.b. Independent claim 16

This claim is comparable to independent claim 1, in “receiving a plurality of messages” that are considered relative to “at least one context value”, where messages so “identified” have an “auditory” and “visual” icon presented. This claim, instead of “prioritizing”, recites “identifying at least one best match”. However, a reference like Leonowich will at best determine if an individual message is a “match” for threshold criteria, just as Isaacs et al. looks for messages that “match” the criteria as to users that are accepted or rejected. Finding a “**best match**” implies relative ordering, something the prior art of record does not teach in such an environment.

1.c. Independent claim 18

This is a “computer-readable medium” whose “instructions” perform “steps” resembling those in independent claim 1—“prioritizing a plurality of received messages to identify at least one message based on at least one context value”, this identification

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being used in “presenting the auditory icon” and the “visual icon”. As noted above, the best art that has been made of record (e.g., Leonowich, Isaacs et al.) when it comes to such a presentation does not perform “prioritizing” on the basis of “context”, when considering “a plurality of received messages”.

1.d. Independent claim 19

In this claim, “receiving a plurality of messages” also occurs, and specifically with “prioritizing the plurality of messages in order of match to at least one context value” for “representing...the visual icon” and “presenting at least one auditory icon”. The art of record does not go to the extent of “prioritizing...in order of match”, but merely makes a decision whether or not to present an icon (as, for example, in Leonowich), when a message is received. The selection according to an “**order** of match” is not found in such teachings as this or Isaacs et al.

1.e. Independent claim 34

While the focus of this claim shifts to having “visual icons, each visual icon having an associated auditory icon”, where the “user” will “select at least one of the visual icons displayed on the display”, it remains that this claim conducts “prioritizing a plurality of messages based on at least one context value”, in “displaying visual icons...in order of priority”, and this consideration of an “order” in establishing the prominence of presentation is not reasonably suggested in the art of record, which at best shows acceptance / rejection of individual messages on the basis of comparison to a criterion.

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1.f. Independent claim 42

This claim is somewhat broader, in that the consideration of plural messages does not form a part of the recited limitations. However, it remains that the "plurality of user-selectable visual icons" are "arranged in an order determined by a degree of matching", relative to "at least one context value", which is not suggested by the relative icon presentation, for example, of Isaacs et al., where an "order" is not used in deciding upon icon display. Leonowich, also, does not have arrangement "in an order", since it is merely individual messages that are judged, for being significant relative to a threshold. Hilpert, Jr. et al. fails to present an arrangement of icons, and Hirohama is also silent as to visual aspects of the user device that vary in "order".

1.g. Independent claim 48

This claim, as in independent claim 42, has "determining priority" according to a "context", in the presentation of "visual icons". But the prior art of record does not teach or suggest that such a system be capable of "displaying visual icons so as to vary the size of the icon in relationship to the priority". The best art in this regard, Isaacs et al., does not consider "priority", nor does it "vary the size" in accordance with this priority. In general conclusion, then, the art now made of record, while suggesting that plural icons can be presented on the basis of match with a "context", does not have a placement in an order such as that established via "priority".

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

5. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

17 August 2005